

**Before The
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

| | | |
|--|---|--------------------------|
| In the Matter of |) | |
| |) | |
| Creation of a Low Power Radio Service |) | MM Docket 99-25 |
| |) | |
| Experimental Measurements of the Third |) | Public Notice DA 03-2277 |
| Adjacent Channel Impacts of Low Power |) | |
| FM Stations. |) | |

**EMERGENCY MOTION TO
REINSTATE DISMISSED APPLICATIONS**

1. REC Networks ("REC") is a supporter of locally owned and diverse radio. REC currently operates several Internet only radio stations. REC also operates several websites including the original LPFM Channel Search Tool¹. REC Networks also represents the interests of independently owned Low Power FM ("LPFM") broadcast stations and their listeners.

2. In this *Emergency Motion to Reinstate Dismissed Applications*, we are requesting the Commission to reinstate the applications of LPFM stations that were dismissed² on March 17, 2003 due to failure to file amendments³ to be in compliance with third-adjacent channel spacing rules. In a timely-filed *Petition for Reconsideration*⁴ that was jointly filed by REC and various other stakeholders in the LPFM community⁵, we petitioned the Commission to reinstate the applications until the outcome of the MITRE study⁶ and any subsequent congressional action and

¹ - <http://www.recnet.com/lpfminfo>

² - See "*Low Power FM New Station Applications Dismissed for Failure to Comply with Third-adjacent Channel Protection Requirements*". FCC Public Notice DA 03-794.

³ - See "*Media Bureau to Open Low Power FM Major Amendment Window from October 28 through November 1, 2002 for Certain Pending New Station Applications*" - Public Notice DA 02-2178, released September 9, 2002.

⁴ - See Attachment A

⁵ - Even though the original Petition for Reconsideration was jointly filed by REC on behalf of itself and several other organizations and individuals, this *Motion* is being filed by REC Networks acting on it's own.

⁶ - "*Experimental Measurements of the Third-Adjacent Channel Impacts of Low Power FM Stations*". MITRE Corporation.

rulemaking. Our electronically filed petition was never acknowledged by the Office of the Secretary⁷.

3. Even though we can not assume that just because the MITRE report was favorable towards the elimination of third-adjacent channel restrictions for LPFM, that the rules will be changed. We want to make sure that in the event that the third-adjacent channel restrictions are removed in the future, that LPFM applicants who properly filed during the original filing window and are otherwise not short spaced to any full power FM stations on any channel other than third-adjacent and as long as the applicant is not short spaced to any translator application filed prior to the LPFM filing window⁸ will have their original applications reinstated as if the dismissals did not happen on March 17, 2003.

4. REC feels that in the public interest, that these LPFM applications be reinstated and returned to pending status pending the outcome of the congressional action and any subsequent rulemaking. REC feels that reinstating these applications will give these applicants the protections they are entitled to and the due process they deserve in the event that the third adjacent channel restrictions are lifted.

Respectfully Submitted,

Rich Eyre for
REC Networks
P O Box 40816
Mesa, AZ 85274-0816
rec@recnet.com
<http://www.recnet.com>

⁷ - The filing was made pursuant to the process outlined in Public Notice FCC 01-345. We have had many situations where filings made to the mmbsecretary@fcc.gov mailbox were never received by the Office of the Secretary. Our filings made to the Office of Engineering and Technology (OET) have been successfully received and acknowledged. REC is referring this process to the Office of the Inspector General. Because of this problem, we ask that the Commission accept a copy of the attached Petition for Reconsideration as timely filed since it was timely e-mailed to the Commission following the procedure in the Public Notice.

⁸ - This includes the translator applications filed during the March 2003 window. Since the window closed prior to these applications were dismissed, these dismissed LPFM applications are still entitled to protection from these translator applications. See *"FM Translator Auction Filing Window and Application Freeze"* Report no. AUC-03-83-A (Auction No. 83), DA 03-359, released February 6, 2003.

CERTIFICATE OF SERVICE

A copy of this Motion has been filed electronically on the Electronic Comments Filing System ("ECFS") as well as a copy has been sent to mmbsecretary@fcc.gov using process outlined in 01-345.

A copy of this motion has been served via Electronic Mail upon the following:

Qualex International
FCC Copy Service Contractor
qualexint@aol.com

William Caton
Office of the Secretary
wcaton@fcc.gov

Alan Schneider
Audio Division
aschneid@fcc.gov

Peter Doyle
Chief - Audio Division
peter.doyle@fcc.gov

Walker Feaster
Inspector General
wfeaster@fcc.gov

Michael K. Powell
FCC Chairman
mpowell@fcc.gov

Kathleen Q Abernathy
Commissioner
kabernat@fcc.gov

Michael J. Copps
Commissioner
mcopps@fcc.gov

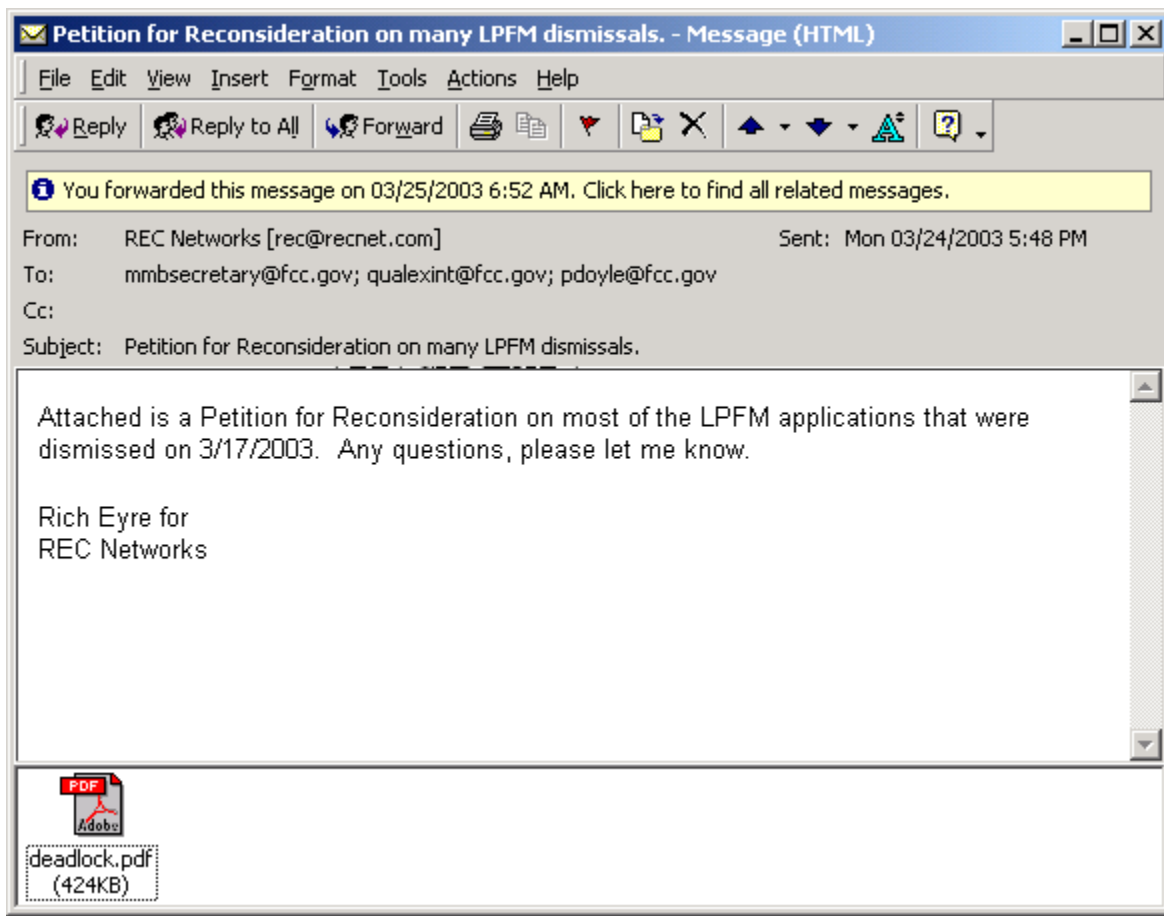
Kevin J. Martin
Commissioner
kevin.martin@fcc.gov

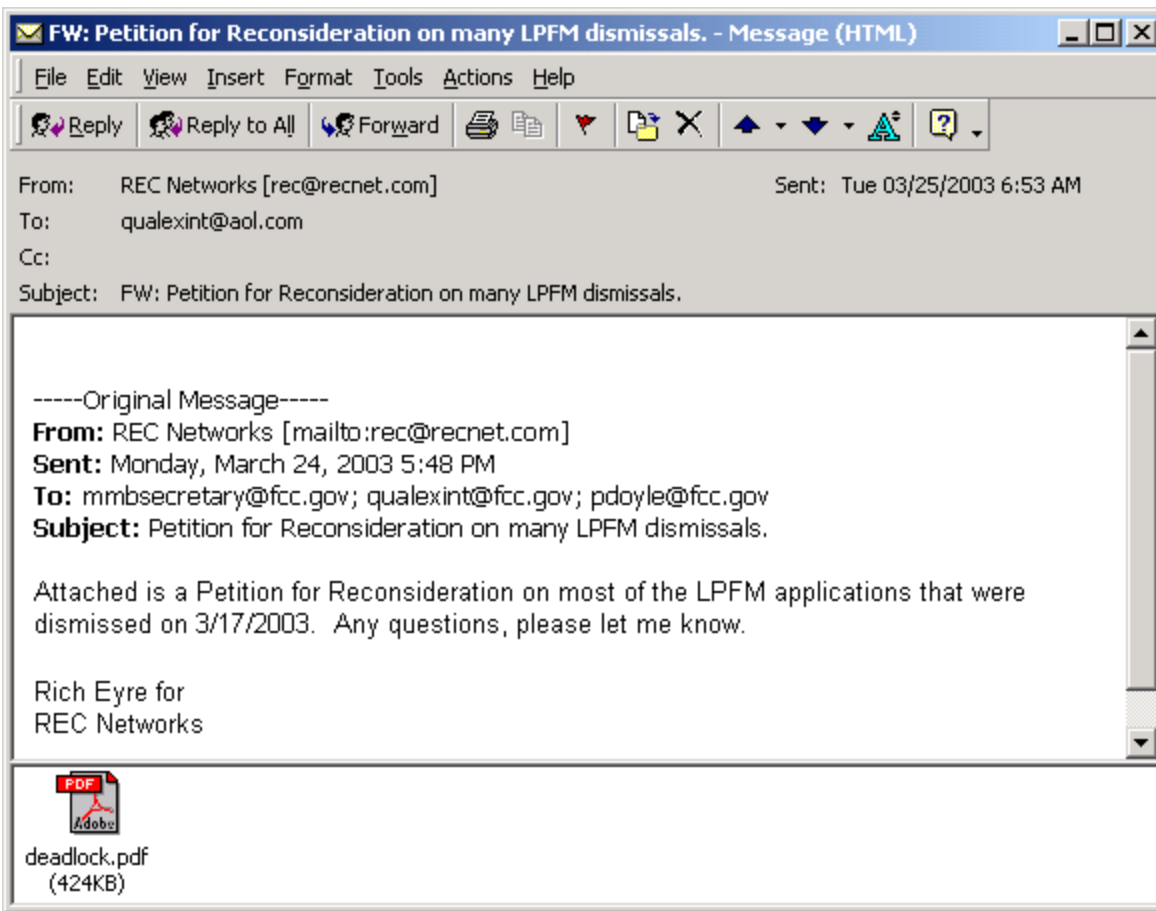
Jonathan S. Adelstein
Commissioner
jadelste@fcc.gov

ATTACHMENT A

**OUR ORIGINAL PETITION FOR RECONSIDERATION
E-MAILED TO FCC PER PUBLIC NOTICE FCC 01-345**

**ON MARCH 24, 2003
(ON WEEK AFTER DISMISSALS)**





**Before the
Federal Communications Commission
Washington DC**

| | | |
|---|---|------------------|
| In the matter of: |) | |
| |) | |
| Dismissal of "Deadlocked" Applications for Original |) | |
| Construction Permit of the following LPFM |) | |
| applicants: |) | |
| |) | |
| ATLANTA & OMAR MOSQUES |) | BNPL-20000608ACW |
| (Channel 228, Facility ID 123968) |) | |
| |) | |
| NATIONAL MULTI-ETHNIC FAMILIES ASSOCIATION |) | BNPL-20000530AAI |
| (Channel 267, Facility ID 123377) |) | |
| |) | |
| QUIZ, INC. |) | BNPL-20000530AAN |
| (Channel 238, Facility ID 123428) |) | |
| |) | |
| OLD SAN DIEGO COMMUNITY CHURCH |) | BNPL-20000530ABD |
| (Channel 290, Facility ID 123495) |) | |
| |) | |
| ALL SOULS' EPISCOPAL CHURCH |) | BNPL-20000530ABN |
| (Channel 290, Facility ID 123610) |) | |
| |) | |
| SHINY NICKELS L.C. |) | BNPL-20000531AAJ |
| (Channel 239, Facility ID 123465) |) | |
| |) | |
| FRIENDS OF THE CAMBRIA LIBRARY |) | BNPL-20000531AAP |
| (Channel 300, Facility ID 123553) |) | |
| |) | |
| REVIVAL PENTECOSTAL TABERNACLE |) | BNPL-20000531ABK |
| (Channel 290, Facility ID 123577) |) | |
| |) | |
| MAINE SCIENCE & TECHNOLOGY MUSEUM INC |) | BNPL-20000531ABO |
| (Channel 287, Facility ID 123590) |) | |
| |) | |
| NORTH MACARTHUR CHURCH OF CHRIST, INC. |) | BNPL-20000531ABY |
| (Channel 231, Facility ID 123605) |) | |
| |) | |
| CICERO BROADCASTING SERVICE, INC. |) | BNPL-20000531ABZ |
| (Channel 292, Facility ID 123608) |) | |
| |) | |
| NORMAN COMM. RADIO CORP. |) | BNPL-20000531ACG |
| (Channel 252, Facility ID 123742) |) | |
| |) | |
| ABUNDANT LIFE CHURCH INC. |) | BNPL-20000531ACJ |
| (Channel 231, Facility ID 123747) |) | |
| |) | |
| FAITH COMMUNITY FELLOWSHIP |) | BNPL-20000531ACN |
| (Channel 236, Facility ID 123762) |) | |
| |) | |
| SABBATH INCORPORATED |) | BNPL-20000531ACO |
| (Channel 286, Facility ID 123765) |) | |
| |) | |
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| K'HILAT HA'ALONEEM (Channel 257, Facility ID 123744) |) | BNPL-20000531ACQ |
| |) | |
| WALLACE STREET PRESBYTERIAN CHURCH, INCORPORATED (Channel 286, Facility ID 123897) |) | BNPL-20000531ACZ |
| |) | |
| HENDRICKS CO. AMATEUR RADIO COMMUNITY (Channel 255, Facility ID 123936) |) | BNPL-20000531ADE |
| |) | |
| LIVINGSTON ACTIVITY CENTER (Channel 248, Facility ID 123597) |) | BNPL-20000601AAB |
| |) | |
| BAKER CHAMBER OF COMMERCE (Channel 248, Facility ID 123595) |) | BNPL-20000601AAY |
| |) | |
| MARANATHA BROADCASTING, INC. (Channel 297, Facility ID 123665) |) | BNPL-20000601ABE |
| |) | |
| SEAT OF WISDOM FOUNDATION (Channel 235, Facility ID 123437) |) | BNPL-20000601ACQ |
| |) | |
| EXPANSION EVANGELISTIC MINISTRY (Channel 235, Facility ID 123708) |) | BNPL-20000601ACT |
| |) | |
| REBEL COMMUNICATION, INC. (Channel 231, Facility ID 123754) |) | BNPL-20000601ACV |
| |) | |
| BANGOR FINE ARTS RADIO (Channel 243, Facility ID 123763) |) | BNPL-20000601ACW |
| |) | |
| FORT WAYNE ADVENTIST BROADCASTING NETWORK, INC. (Channel 239, Facility ID 123797) |) | BNPL-20000601ACY |
| |) | |
| ROSWELL HIGH SCHOOL (Channel 250, Facility ID 124163) |) | BNPL-20000601ADO |
| |) | |
| HUNTINGBURG ADVENTIST NETWORK, INC. (Channel 226, Facility ID 124174) |) | BNPL-20000601ADP |
| |) | |
| MIRMAR COLLEGE CLASSIFIED SENATE SAN DIEGO (Channel 290, Facility ID 124261) |) | BNPL-20000601ADR |
| |) | |
| VINEYARD CHRISTIAN FELLOWSHIP, INC. (Channel 239, Facility ID 123751) |) | BNPL-20000601AAF |
| |) | |
| LIGHT AND LIFE FELLOWSHIP CHURCH (Channel 253, Facility ID 123787) |) | BNPL-20000602ABR |
| |) | |
| INDIANA BIBLE COLLEGE (Channel 286, Facility ID 123749) |) | BNPL-20000602ACF |
| |) | |
| INTER-FAITH STUDIES INSTITUTE, INC. (Channel 236, Facility ID 123938) |) | BNPL-20000602ADU |
| |) | |

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| LAWRENCE CENTRAL HIGH SCHOOL (Channel 286, Facility ID 124053) |) | BNPL-20000602AEF |
| |) | |
| NOONDAY BAPTIST CHURCH, INC. (Channel 250, Facility ID 124073) |) | BNPL-20000602AEK |
| |) | |
| COLLEGE OF THE SEQUOIAS (Channel 252, Facility ID 124183) |) | BNPL-20000602AFA |
| |) | |
| PASADENA COLLEGE DBA POINT LOMA NAZARENE UNIVERSITY (Channel 290, Facility ID 124184) |) | BNPL-20000602AFB |
| |) | |
| THE LITTLE FLOWER HOME (Channel 235, Facility ID 124344) |) | BNPL-20000602AFX |
| |) | |
| BOEKE ROAD BAPTIST CHURCH (Channel 255, Facility ID 124388) |) | BNPL-20000602AGH |
| |) | |
| IN HIS IMAGE OUTREACH MINISTRIES (Channel 235, Facility ID 123869) |) | BNPL-20000605AAD |
| |) | |
| DAY STAR BROADCASTING CORPORATION (Channel 230, Facility ID 123946) |) | BNPL-20000605ABP |
| |) | |
| ENDTIME, INC. (Channel 296, Facility ID 123804) |) | BNPL-20000605ACK |
| |) | |
| REEDLEY DISTRICT CHAMBER OF COMMERCE AND VISITORS BUREAU (Channel 284, Facility ID 124032) |) | BNPL-20000605ACP |
| |) | |
| NORTH POINT MINISTRIES, INC. (Channel 250, Facility ID 124039) |) | BNPL-20000605ACW |
| |) | |
| RADAH MINISTRIES INC. (Channel 231, Facility ID 123984) |) | BNPL-20000605ACX |
| |) | |
| ST. JOHN PARISH GOVERNMENT (Channel 230, Facility ID 124119) |) | BNPL-20000605ADP |
| |) | |
| WESTMONT COLLEGE (Channel 281, Facility ID 124147) |) | BNPL-20000605AEF |
| |) | |
| MISSION VALLEY CHRISTIAN FELLOWSHIP OF SAN DIEGO (Channel 290, Facility ID 124186) |) | BNPL-20000605AET |
| |) | |
| THE ROCK CHURCH (Channel 289, Facility ID 124228) |) | BNPL-20000605AFP |
| |) | |
| DILLARD UNIVERSITY (Channel 243, Facility ID 124251) |) | BNPL-20000605AGC |
| |) | |
| ROMAN CATHOLIC DIOCESE OF SAVANNAH (Channel 263, Facility ID 124260) |) | BNPL-20000605AGH |
| |) | |

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| ALPHARETTA EDUCATIONAL RADIO SERVICE (Channel 228, Facility ID 124316) |) | BNPL-20000605AGT |
| |) | |
| BOARD OF SUPERVISORS OF LA STATE UNIVERSITY & AGRICU 98 (Channel 249, Facility ID 124332) |) | BNPL-20000605AHD |
| |) | |
| NORTHSIDE PUBLIC RADIO, INC. (Channel 256, Facility ID 124329) |) | BNPL-20000605AHF |
| |) | |
| VALENCIA FOUNDATION INC. (Channel 235, Facility ID 124340) |) | BNPL-20000605AHJ |
| |) | |
| GWINNETT PUBLIC RADIO, INC.. (Channel 250, Facility ID 124365) |) | BNPL-20000605AHV |
| |) | |
| MUSTANG ASSEMBLY OF GOD CHURCH, INC. (Channel 252, Facility ID 124374) |) | BNPL-20000605AIC |
| |) | |
| LABOR/COMMUNITY ALLIANCE (Channel 253, Facility ID 124379) |) | BNPL-20000605AIH |
| |) | |
| NEW ORLEANS ACORN EDUCATION PROJECT, INC. (Channel 242, Facility ID 124378) |) | BNPL-20000605AII |
| |) | |
| ROBERT SHIPMAN MINISTRIES (Channel 252, Facility ID 124380) |) | BNPL-20000605AIJ |
| |) | |
| HOG MOUNTAIN INFORMATION FOUNDATION (Channel 228, Facility ID 124389) |) | BNPL-20000605AIP |
| |) | |
| RENAISSANCE CHURCH OF THE OPEN BIBLE (Channel 233, Facility ID 124397) |) | BNPL-20000605AIT |
| |) | |
| MOUNTAIN PARK EDUCATIONAL RADIO (Channel 256, Facility ID 124398) |) | BNPL-20000605AIU |
| |) | |
| RIGHT TO LIFE OF INDIANAPOLIS EDUCATIONAL TRUST FUND 98 (Channel 286, Facility ID 124414) |) | BNPL-20000605AIZ |
| |) | |
| FREEDOM WING MINISTRIES, INC. (Channel 238, Facility ID 124473) |) | BNPL-20000605AJM |
| |) | |
| RIVER OF LIFE CHURCH, INC (Channel 267, Facility ID 124487) |) | BNPL-20000605AJR |
| |) | |
| NEW ORLEANS YOUTH AT RISK (Channel 242, Facility ID 124506) |) | BNPL-20000605AKF |
| |) | |
| CARIBBEAN COMMUNITY ORGANIZATION (Channel 250, Facility ID 124507) |) | BNPL-20000605AKG |
| |) | |
| THE FLY-FM FOUNDATION (Channel 243, Facility ID 124511) |) | BNPL-20000605AKR |

WESTERN EDUCATIONAL ALLIANCE, INC.
(Channel 253, Facility ID 124520)

)
) BNPL-20000605AJW
)

WARSAW COMMUNITY SCHOOL CORP.
(Channel 287, Facility ID 124551)

) BNPL-20000605AKU
)

CRUSADE CHRISTIAN FAITH CENTER, INC.
(Channel 250, Facility ID 124550)

) BNPL-20000605AKV
)

THE INTERFAITH ALLIANCE OF CENTRAL
CALIFORNIA
(Channel 253, Facility ID 124564)

) BNPL-20000605ALD
)
)

NEW ORLEANS MEDIA CENTER, INC.
(Channel 242, Facility ID 124567)

) BNPL-20000605ALG
)
)

SAN LUIS OBISPO COMMUNITY RADIO INC
(Channel 300, Facility ID 124589)

) BNPL-20000605ALM
)
)

OJAI VALLEY YOUTH FOUNDATION
(Channel 257, Facility ID 124751)

) BNPL-20000605AMA
)
)

CHURCH IN ATLANTA, INC.
(Channel 228, Facility ID 124755)

) BNPL-20000605AMG
)
)

NEW MILLENNIUM BROADCASTING
(Channel 250, Facility ID 124761)

) BNPL-20000605AMH
)
)

EL COMITE DE LOS POBRES
(Channel 253, Facility ID 124765)

) BNPL-20000605AMJ
)
)

ANGELA GREEN'S WOMEN ON TOP AWARENESS
SERIES INC.
(Channel 228, Facility ID 124771)

) BNPL-20000605AML
)
)

NEIGHBORHOOD HOUSE OF CALEXICO, INC.
(Channel 238, Facility ID 124787)

) BNPL-20000605AMN
)
)

R.E.A.L. (RECREATING ENVIROMENTAL ABILITY TO
LIVE)
(Channel 249, Facility ID 124788)

) BNPL-20000605AMO
)
)

JEFFERSON PARISH
(Channel 242, Facility ID 124790)

) BNPL-20000605AMP
)
)

THE FRESNO CENTER FOR NONVIOLENCE
(Channel 253, Facility ID 124830)

) BNPL-20000605AMV
)
)

FOUNDATION FOR SAN LUIS OBLISPO COUNTY
PUBLIC LIBRARIES
(Channel 300, Facility ID 124837)

) BNPL-20000605AMY
)
)

VILLAGE COMMUNITY PRESBYTERIAN CHURCH
(Channel 290, Facility ID 124839)

) BNPL-20000605AMZ
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| SANTA MARIA FOURSQUARE CHURCH (Channel 300, Facility ID 124137) |) | BNPL-20000606AAI |
| |) | |
| SOMALIA ISLAMIC SOCIETY OF ATLANTA (Channel 228, Facility ID 124475) |) | BNPL-20000606AAX |
| |) | |
| NEAR NORTHWEST NEIGHBORHOOD INC. (Channel 287, Facility ID 123876) |) | BNPL-20000607AAE |
| |) | |
| STATE OF THE STATE COMMUNICATIONS INC. (Channel 235, Facility ID 124391) |) | BNPL-20000607AAI |
| |) | |
| EDUCATION ENHANCEMENT 2000 (Channel 242, Facility ID 124112) |) | BNPL-20000607AAT |
| |) | |
| LIFESEARCH RADIO, INC. (Channel 284, Facility ID 124570) |) | BNPL-20000607ABJ |
| |) | |
| RADIO RADIO MFA C/O KATY CHANG (Channel 290, Facility ID 124798) |) | BNPL-20000607ABR |
| |) | |
| NEW CREATIONS CHAPEL, INC. DBA NEW CREATIONS BOARDING SCHOOL (Channel 296, Facility ID 124333) |) | BNPL-20000608AAE |
| |) | |
| ASSOCIATED STUDENTS, CALIFORNIA STATE UNIVERSITY, CHICO (Channel 233, Facility ID 123810) |) | BNPL-20000608AAN |
| |) | |
| SAN DIEGO JOURNEY COMMUNITY CHURCH (Channel 290, Facility ID 124447) |) | BNPL-20000608AAV |
| |) | |
| EAST INDIANAPOLIS COMMUNITY RADIO CORPORATION (Channel 286, Facility ID 124529) |) | BNPL-20000608AAY |
| |) | |
| MAX BAKER (Channel 238, Facility ID 124599) |) | BNPL-20000608ABB |
| |) | |
| OJAI VALLEY BIBLE STUDY (Channel 257, Facility ID 124062) |) | BNPL-20000608ABG |
| |) | |
| LITTLE GROUP MEDIA (Channel 228, Facility ID 124638) |) | BNPL-20000608ABK |
| |) | |
| SIEBERT BROADCASTING (Channel 298, Facility ID 124654) |) | BNPL-20000608ABS |
| |) | |
| PROPHETIC FACTS MINISTRIES (Channel 253, Facility ID 124650) |) | BNPL-20000608ABX |
| |) | |
| OLNEY STREET BAPTIST CHURCH (Channel 235, Facility ID 124663) |) | BNPL-20000608ACA |
| |) | |
| STRAIGHTWAY MINISTRIES (Channel 248, Facility ID 124647) |) | BNPL-20000608ACC |

) BNPL-20000608ACK
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) BNPL-20000608ACO
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) BNPL-20000608ACS
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) BNPL-20000608ADJ
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) BNPL-20000608AFA

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) BNPL-20000608AFJ

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) BNPL-20000606AGF

) BNPL-20000606ACK

) BNPL-20000606AOQ
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) BNPL-20000607ACV

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) BNPL-20000828AAC

) BNPL-20000828AAG
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| BIG RIVER SENIOR RADIO (Channel 219, Facility ID 125885) |) | BNPL-20000828AAM |
| |) | |
| FORT MCKEEN DETACHMENT OLD SCOUTS SOCIETY EAGAN CHAP113 (Channel 250, Facility ID 125942) |) | BNPL-20000828ABK |
| |) | |
| THE CORNERSTONE CHURCH (Channel 278, Facility ID 125879) |) | BNPL-20000828ABO |
| |) | |
| CALVARY BAPTIST CHURCH (Channel 255, Facility ID 125947) |) | BNPL-20000828ABT |
| |) | |
| MICHIGAN HOUSE OF REPRESENTATIVES (Channel 238, Facility ID 125994) |) | BNPL-20000828ADB |
| |) | |
| KELLOGG COMMUNITY COLLEGE (Channel 226, Facility ID 125896) |) | BNPL-20000828ADA |
| |) | |
| REAL MINISTRIES INC. (Channel 287, Facility ID 126096) |) | BNPL-20000828ADZ |
| |) | |
| CHRIST LUTHERAN CHURCH ON CAPITAL HILL (Channel 250, Facility ID 126103) |) | BNPL-20000828AEA |
| |) | |
| THIRD PRESBYTERIAN CHURCH OF ROCKFORD (Channel 262, Facility ID 125839) |) | BNPL-20000829ACS |
| |) | |
| ASSOCIATION EVANGELISTA RADIO PADER (Channel 278, Facility ID 125780) |) | BNPL-20000829ACV |
| |) | |
| EAST HILLSIDE COMMUNITY CLUB (Channel 252, Facility ID 126122) |) | BNPL-20000829ACY |
| |) | |
| SON-LIFE FELLOWSHIP INCORPORATED (Channel 226, Facility ID 126170) |) | BNPL-20000830AAE |
| |) | |
| MOUNT BETHEL BAPTIST CHURCH (Channel 251, Facility ID 126180) |) | BNPL-20000830AAH |
| |) | |
| THE COMMITTEE OF CONCERN CITIZENS, INC. (Channel 272, Facility ID 126148) |) | BNPL-20000829ADI |
| |) | |
| CITY OF PORTAGE, MICHIGAN (Channel 286, Facility ID 126107) |) | BNPL-20000830AAQ |
| |) | |
| OUR SAVIOUR'S EVANGELICAL LUTHERAN CHURCH ELCA (Channel 219, Facility ID 125897) |) | BNPL-20000830AAV |
| |) | |
| HARBOR COUNTRY FORUM (Channel 228, Facility ID 125892) |) | BNPL-20000830AAW |
| |) | |
| WICHITA CHINESE MINISTRY ASSOCIATION (Channel 239, Facility ID 126291) |) | BNPL-20000831AAF |
| |) | |

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| RADIO MONTE SINAI (Channel 287, Facility ID 126307) |) | BNPL-20000830ABJ |
| |) | |
| NEW BUFFALO TOWNSHIP PUBLIC LIBRARY (Channel 228, Facility ID 126314) |) | BNPL-20000830ABO |
| |) | |
| REAL ART WAYS, INC. (Channel 287, Facility ID 126317) |) | BNPL-20000830ABP |
| |) | |
| FIRST UNITED METHODIST CHURCH (Channel 228, Facility ID 126305) |) | BNPL-20000830ABQ |
| |) | |
| ST. JOHN UNITED CHURCH OF CHRIST (Channel 228, Facility ID 126327) |) | BNPL-20000830ABR |
| |) | |
| INTERNATIONAL CHURCH OF THE NEW BUFFALO FOURSQUARE GOSPEL (Channel 228, Facility ID 126330) |) | BNPL-20000830ABS |
| |) | |
| MINNEAPOLIS PROPERTY RIGHTS ACTION COMMITTEE (Channel 226, Facility ID 126345) |) | BNPL-20000830ABU |
| |) | |
| NEW COVENANT FREE METHODIST MINISTRIES (Channel 244, Facility ID 126352) |) | BNPL-20000830ABW |
| |) | |
| MACATAWA AREA COMMUNITY MEDIA CENTER, INC. (Channel 236, Facility ID 126268) |) | BNPL-20000831AAQ |
| |) | |
| CATHOLIC DIOCESE OF ROCKFORD (Channel 262, Facility ID 126387) |) | BNPL-20000828AHD |
| |) | |
| CENTER FOR HMONG ARTS & TALENT (Channel 250, Facility ID 126388) |) | BNPL-20000838AHE |
| |) | |
| ARCHDIOCESE OF ST. PAUL AND MINNEAPOLIS (Channel 250, Facility ID 126408) |) | BNPL-20000823AHK |
| |) | |
| SOUTHEAST ASIAN MINISTRY, INC. (Channel 250, Facility ID 126378) |) | BNPL-20000829ADZ |
| |) | |
| SUPERSTAR RADIO (Channel 278, Facility ID 126347) |) | BNPL-20000830ABX |
| |) | |
| MINNESOTA LITERACY COUNCIL, INC. (Channel 250, Facility ID 126400) |) | BNPL-20000830ACC |
| |) | |
| SEVENTH-DAY ADVENTIST CHURCH (Channel 250, Facility ID 126403) |) | BNPL-20000830ACE |
| |) | |
| THE GREEN PARTY OF MINNESOTA (Channel 249, Facility ID 126406) |) | BNPL-20000830ACF |
| |) | |
| WOMEN'S ASSOCIATION OF HMONG AND LAO, INC. (Channel 250, Facility ID 126417) |) | BNPL-20000830ACG |
| |) | |

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| UNITED CAMBODIAN ASSOCIATION OF MINNESOTA (Channel 250, Facility ID 126424) |) | BNPL-20000830ACJ |
| |) | |
| RADIO FE CRISTIANA (Channel 278, Facility ID 126449) |) | BNPL-20000830ACP |
| |) | |
| SUGAR CREEK AMBULANCE SERVICE (Channel 226, Facility ID 126412) |) | BNPL-20000831AAX |
| |) | |
| FAITH TEMPLE CHURCH OF GOD (Channel 226, Facility ID 126386) |) | BNPL-20000831AAZ |
| |) | |
| FIRST UNITED PENTECOSTAL CHURCH OF LANSING (Channel 238, Facility ID 126442) |) | BNPL-20000831ABE |
| |) | |
| PROSPECT PARK AND E. RIVER ROAD IMPROVEMENT ASSOCIATION (Channel 226, Facility ID 126463) |) | BNPL-20000831ABF |
| |) | |
| LIBERTY CHRISTIAN BROADCASTING (Channel 226, Facility ID 126351) |) | BNPL-20000831ABL |
| |) | |
| LYNDALE NEIGHBORHOOD ASSOCIATION (Channel 226, Facility ID 126218) |) | BNPL-20000831ABN |
| |) | |
| NORTH HAVEN COMMUNITY TELEVISION, INC. (Channel 278, Facility ID 126467) |) | BNPL-20000831ABP |
| |) | |
| HEARTSIDE MINISTRY, INC. (Channel 236, Facility ID 126115) |) | BNPL-20000831ABV |
| |) | |
| LONDONDERRY PRESBYTERIAN CHURCH (Channel 236, Facility ID 126252) |) | BNPL-20000831ACG |
| |) | |
| HARTFORD PUBLIC ACCESS RADIO (Channel 287, Facility ID 126530) |) | BNPL-20000831ACM |
| |) | |
| WOMEN'S INT. LEAGUE FOR PEACE & FREEDOM, SPRINGFIELD (Channel 239, Facility ID 126564) |) | BNPL-20000831ACQ |
| |) | |
| RIVERCENTRE (Channel 250, Facility ID 126565) |) | BNPL-20000831ACR |
| |) | |
| CHESHIRE FIRE DEPARTMENT INCORPORATED, THE (Channel 278, Facility ID 126579) |) | BNPL-20000831ACZ |
| |) | |
| ERIC THOMAS TOMLINSON FOR MINNESOTA BUSINESS ACADEMY (Channel 250, Facility ID 126583) |) | BNPL-20000831ADA |
| |) | |
| WASHINGTON COUNTY PUBLIC RADIO COMPANY (Channel 250, Facility ID 126635) |) | BNPL-20000901AAU |
| |) | |

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| BRIDGEWATER COLLEGE (Channel 256, Facility ID 126113) |) | BNPL-20000901AAY |
| |) | |
| THE ROCK CHURCH, INC. (Channel 278, Facility ID 126662) |) | BNPL-20000901ABN |
| |) | |
| VENTURA BAPTIST CHURCH (Channel 236, Facility ID 126651) |) | BNPL-20000910ABS |
| |) | |
| NEWMAN UNIVERSITY (Channel 239, Facility ID 125845) |) | BNPL-20000901ABT |
| |) | |
| NORTHERN DAWN LOCAL COUNCIL, COVENANT OF THE GODDESS (Channel 226, Facility ID 126677) |) | BNPL-20000901ABW |
| |) | |
| SIGHT SEER - WEST MICHIGAN RADIO READING SERVICE (Channel 236, Facility ID 126250) |) | BNPL-20000901ACC |
| |) | |
| WE WIN INSTITUTE (Channel 226, Facility ID 126743) |) | BNPL-20000901ACH |
| |) | |
| INNERCITY CULTURAL ALLIANCE CORP. (Channel 278, Facility ID 126752) |) | BNPL-20000901ACK |
| |) | |
| GRACE BAPTIST CHURCH (Channel 287, Facility ID 126296) |) | BNPL-20000901ACM |
| |) | |
| MINNEAPOLIS-ST. PAUL COMMUNITY TEACHING CENTER (Channel 249, Facility ID 126747) |) | BNPL-20000901ACN |
| |) | |
| HOPE SEVENTH-DAY ADVENTIST CHURCH (Channel 287, Facility ID 125833) |) | BNPL-20000901ACR |
| |) | |
| PLYMOUTH COMMUNITY RADIO (Channel 226, Facility ID 126755) |) | BNPL-20000901ACV |
| |) | |
| WEST SIDE CITIZENS ORGANIZATION (Channel 226, Facility ID 126249) |) | BNPL-20000901ACW |
| |) | |
| SEDGWICK COUNTY EXTENSION COUNCIL (Channel 239, Facility ID 126032) |) | BNPL-20000901ADA |
| |) | |
| CHERRYLAND BAPTIST CHURCH (Channel 267, Facility ID 126780) |) | BNPL-20000901ADB |
| |) | |
| MINNESOTA FELLOWSHIP OF RECONCILIATION (Channel 226, Facility ID 126505) |) | BNPL-20000901ADG |
| |) | |
| FAITH FOR LIFE RADIO BROADCAST CORP. (Channel 226, Facility ID 126787) |) | BNPL-20000901ADJ |
| |) | |
| HMONG NATIONAL ORGANIZATION, INC. (Channel 250, Facility ID 126732) |) | BNPL-20000901ADS |
| |) | |

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| MINNEAPOLIS AMERICAN INDIAN CENTER (Channel 249, Facility ID 126825) |) | BNPL-20000901ADV |
| CAMP HOLIDAY ASSOCIATION (Channel 276, Facility ID 126841) |) | BNPL-20000901AEA |
| WOMEN AGAINST MILITARY MADNESS (Channel 226, Facility ID 126827) |) | BNPL-20000831ADS |
| TOWN OF GUILFORD, CONNECTICUT (Channel 251, Facility ID 126829) |) | BNPL-20000831ADT |
| DELTA SIGMA TAU FRATERNITY (Channel 236, Facility ID 126830) |) | BNPL-20000831ADU |
| THE CHURCH IN WICHITA, INC. (Channel 239, Facility ID 126846) |) | BNPL-20000901AED |
| BRIARWOOD COLLEGE (Channel 278, Facility ID 126849) |) | BNPL-20000901AEE |
| FOREST PARK FOUNDATION (Channel 292, Facility ID 126858) |) | BNPL-20000901AEI |
| DOVER COMMUNITY RADIO SERVICE (Channel 278, Facility ID 126860) |) | BNPL-20000901AEJ |
| VALLEY COMMUNITY BAPTIST CHURCH (Channel 298, Facility ID 126864) |) | BNPL-20000901AEL |
| MINNEAPOLIS NEIGHBORHOOD COMMUNICATIONS (Channel 249, Facility ID 126886) |) | BNPL-20000901AFA |
| CALVARY FELLOWSHIP OF NASHUA (Channel 236, Facility ID 126905) |) | BNPL-20000901AFM |
| AUTOMATED MICRO, INC. (Channel 226, Facility ID 126913) |) | BNPL-20000901AFS |
| MACALESTER COLLEGE (Channel 226, Facility ID 126918) |) | BNPL-20000901AFT |
| GENERAL COMMITTEE FOR A SHORTER WORKWEEK (Channel 226, Facility ID 126930) |) | BNPL-20000901AGA |
| TORRINGTON CHRISTIAN BROADCASTERS (Channel 253, Facility ID 126939) |) | BNPL-20000901AGF |
| TOTAL HEALTH BROADCASTING (Channel 287, Facility ID 126941) |) | BNPL-20000901AGG |
| CHESAPEAKE CHRISTIAN RADIO BROADCASTING (Channel 251, Facility ID 126948) |) | BNPL-20000901AGI |

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| ALL SAINTS CATHOLIC CHURCH (Channel 275, Facility ID 126968) |) | BNPL-20000901AGQ |
| |) | |
| MINNESOTA ALLIANCE OF PEACEMAKERS (Channel 226, Facility ID 126971) |) | BNPL-20000901AGS |
| |) | |
| FRIENDSHIP COMMUNITY SERVICES, INC. (Channel 249, Facility ID 126974) |) | BNPL-20000901AGT |
| |) | |
| GREATER LANSING COMMUNITY RADIO (Channel 238, Facility ID 126957) |) | BNPL-20000831AEG |
| |) | |
| THE NORWICH ROMAN CATHOLIC DIOCESAN CORPORATION (Channel 246, Facility ID 127014) |) | BNPL-20000901AHA |
| |) | |
| HEARTHSTONE FAMILY EDUCATION FOUNDATION, INC. (Channel 246, Facility ID 127032) |) | BNPL-20000901AHD |
| |) | |
| VETERANS FOR PEACE (Channel 226, Facility ID 127053) |) | BNPL-20000901AHK |
| |) | |
| COMMUNITY SERVICES OF BIG RAPIDS (Channel 228, Facility ID 127060) |) | BNPL-20000901AHL |
| |) | |
| GRACE FELLOWSHIP OF NASHUA, INC. (Channel 236, Facility ID 127084) |) | BNPL-20000901AHP |
| |) | |
| VIETNAMESE MINNESOTANS ASSOCIATION (Channel 250, Facility ID 127118) |) | BNPL-20000901AHU |
| |) | |
| NILES CHRISTIAN BROADCASTING, INC. (Channel 228, Facility ID 127122) |) | BNPL-20000901AHW |
| |) | |
| INTERNATIONAL CHURCH OF LAS VEGAS, INC. (Channel 267, Facility ID 127127) |) | BNPL-20000901AHY |
| |) | |
| DULUTH ADVENTIST RADIO MINISTRY, INC. (Channel 258, Facility ID 127135) |) | BNPL-20000901AIC |
| |) | |
| LAKAY BROADCASTING NETWORK (Channel 278, Facility ID 126304) |) | BNPL-20000830ABI |
| |) | |
| GOSPEL RADIO MEDIA (Channel 250, Facility ID 124133) |) | BNPL-20000605AEA |
| |) | |
| FELLOWSHIP BIBLE CHURCH (Channel 249, Facility ID 124367) |) | BNPL-20000602AGF |
| |) | |

REC NETWORKS
THE AMHERST ALLIANCE
NICKOLAUS E. LEGGETT
JONATHAN GRANT
WILLIAM BLEW
WKJCE RADIO
KZQX-LP

JOINT PETITION FOR RECONSIDERATION

REC Networks ("REC") is a supporter of locally owned and diverse radio. REC currently operates several Internet only radio stations. REC also operates several websites including the original LPFM Channel Search Tool. REC Networks also represents the interests of independently owned Low Power FM ("LPFM") broadcast stations and their listeners.

The Amherst Alliance is an Internet-based, nationwide citizens' advocacy group, founded in Amherst, Massachusetts on September 17, 1998. Our Members are currently small broadcasters, aspiring small broadcasters and rank-and-file radio listeners. In numerous filings with the FCC, and related statements to Congress, we have actively advanced the goals of media diversity in general and Low Power Radio in particular.

Nickolaus E. Leggett was the co-author of RM-9208, one of the two petitions for rulemaking that created the LPFM Service.

Jonathan Grant is an aspiring LPFM applicant in Kokomo, Indiana who is concerned about issues that affect the future of diversity and local voices on broadcast radio.

William Blew is actively involved in the creation of a Low Power AM service, a communications company owner and a concerned citizen.

WKJCE is an aspiring LPFM licensee in the generally underserved area of northwest Pennsylvania. WKJCE also operates an Internet-only radio station with listeners estimated in the tens of thousands, which provides news and features on gay, lesbian, bisexual and transgender issues.

KZQX-LP is a licensed LPFM station operated by Chalk Hill Educational Media in Chalk Hill Community, Texas.

Noted herein as the "Joint Petitioners".

The Joint Petitioners have played a significant role in the creation of the LPFM service and are currently involved in the advancement of the service as well as being involved in the protection of existing applicants, permit holders and licensees.

Pursuant to §1.1106(b)(1) of the Commission's Rules, The Joint Petitioners interests in the promotion and advocacy of the LPFM service are affected by this action taken by delegated authority. The dismissal of the above captioned applications was the first action taken that affect our interests in these proceedings.

Pursuant to §1.1106(b) of the Commission's Rules, The Joint Petitioners file this *Petition for Reconsideration* ("Petition") of the dismissal¹ of the above captioned applications ("deadlocked applications"). The Joint Petitioners are requesting that the deadlocked applications be reinstated for the reasons herein.

About the Deadlocked Applications

The above captioned deadlocked applications are those that were eligible to file in the October, 2002 Remedial Filing Window², but could not change channels at their current site. The list was filtered to remove questionable applicants³, multiple applicants and applications in the names of individual persons⁴. We then filtered out applications that were properly spaced at the time of their original application, but are now short spaced (except for third adjacent channels).

¹ - See "Low Power FM New Station Applications Dismissed for Failure to Comply with Third-adjacent Channel Protection Requirements". FCC Public Notice DA 03-794.

² - See "Media Bureau to Open Low Power FM Major Amendment Window from October 28 through November 1, 2002 for Certain Pending New Station Applications" - Public Notice DA 02-2178, released September 9, 2002.

³ - This includes applications filed by churches associated with the Calvary Chapel organization, whom currently operates hundreds of FM full power and translator stations.

⁴ - See §73.853(a).

The Commission's dismissal of the Deadlocked Applications was premature

When the Radio Broadcast Protection Act⁵ (RBPA) was passed by Congress, it was the intention of Congress for the Commission to conduct an independent study of third adjacent channel protection. The study was conducted by Comsearch through a subcontract from MITRE. The study utilized several experimental LPFM stations. Results of that testing has the potential of Congress overturning the third adjacent channel restrictions of the RBPA.

The results of this testing has not been made available to the public yet⁶.

We feel that until the time when the results of the MITRE study are made available to Congress and the general public, the deadlocked LPFM applications should remain active.

We will consider the dismissal of the deadlocked applications to be "mature" if, based on the results of the MITRE study, the Commission concludes that LPFM stations cause interference to a full power or translator station's third adjacent channel.

However, if the MITRE study does reveal that LPFM stations will not cause interference to a third adjacent channel and the Rules are eventually amended to remove the third adjacent channel restrictions, the deadlocked applications should continue to remain active. Singleton applications should be granted Construction Permits and mutually exclusive applications be processed per the Commission's Rules.

⁵ - Making Appropriations for the Government of the District of Columbia for FY 2001, section 632(a).

⁶ - To the best of our knowledge, the outcome of the MITRE/Comsearch testing has not been made available to the general public. We feel that these applicants should be given due process and an equal chance to compete for the originally applied for channel in the event that third adjacent restrictions are lifted.

In Conclusion

The Joint Petitioners feel that these deadlocked applications were dismissed prematurely and, that any action on them should be deferred until the outcome of the MITRE report is disclosed to Congress and more importantly, to the general public, and then only after the Commission and/or Congress makes a decision based on the results.

In addition, these deadlocked applications need to be protected from the applications that were filed in the Translator Auction Window of March, 2003⁷.

Respectfully Submitted March 24, 2003 by the Joint Petitioners,

/S/_____
Rich Eyre for
REC Networks
P O Box 40816
Mesa, AZ 85274-0816
rec@recnet.com
<http://www.recnet.com>

/S/_____
Nickolaus E. Leggett
1432 Northgate Square #2A
Reston, VA 20190
nleggett@earthlink.net

/S/_____
William Blew
132 Woodland Avenue
Villas, NJ 08251

/S/_____
Chuck Conrad
for **KZQX-LP**
P.O. Box 1008
Kilgore, TX 75663

/S/_____
Don Schellhardt, Esq.
Government Relations & Family Law Attorney
for **The Amherst Alliance**
45 Bracewood Rd.
Waterbury, CT 06706
pioneerpath@hotmail.com

/S/_____
Johnathan E. Grant
1407 Schuler Dr.
Kokomo, IN 46901
jegrant@usa.net

/S/_____
Joanne Lynn Benjamin
for **WKJCE Radio**
16 Field St. Apt 12
Kane, PA 16735
garfield25@gay.com

⁷ - See "FM Translator Auction Filing Window and Application Freeze" - Report number AUC-03-83-A, DA 03-359, released February 6, 2003.

CERTIFICATE OF SERVICE

In the best interest of National Security, REC Networks on behalf of the Joint Petitioners is filing this pleading electronically with the Secretary in the designated Media Bureau electronic mailbox (mmbsecretary@fcc.gov) pursuant to Public Notice FCC 01-345.

In addition, a copy of this pleading will be filed electronically with the following:

Qualex International
FCC Duplication Contractor
qualexint@aol.com

Peter Doyle
Division Chief, Audio Division
pdoyle@fcc.gov